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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,511	12/18/2003	Patrick Joseph Sweeney II.		1510

33148 7590 07/25/2006

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EXAMINER

AU, SCOTT D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,511	Applicant(s) SWEENEY, PATRICK JOSEPH	
	Examiner Scott Au	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The application of Sweeney, II. for a "Remote identification of container contents by means of multiple radio frequency identification systems" filed December 18, 2003 has been examined.

Claims 1-16 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, **as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites the limitation "an interface between the container", nowhere in the specification describe the cited limitation. There is insufficient antecedent basis for this limitation in the claim. Further support is required.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

Art Unit: 2612

are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

According to claim 4, there are two claims being claimed. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-5,7-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US# 6,803,856) in view of Woolley (US# 5,959,568).

Referring to claim 1, Murphy et al. disclose an apparatus for performing the remote, real-time identification of the contents of containers by means of multiple radio frequency identification systems comprising: a container (10) (i.e. container); at least one radio frequency tag (24) (i.e. tag) that may be attached to objects (12) within the container (10) (i.e. container); at least one radio frequency identification interrogator (22) (i.e. reader) affixed to the container capable of addressing and acquiring information from the radio frequency tags; a data storage means (18) (i.e. RAM); and it is obvious a means of stored electrical power (col. 2 lines 13-67; see Figures 1-2).

However, Murphy et al. did not explicitly disclose an externally accessible read/write radio frequency tag affixed to the container; an external radio frequency identification interrogator or interrogators compatible with the externally accessible read/write radio frequency tag or tags; and an interface between the container-affixed radio frequency identification interrogator or interrogators, the data storage means, and the externally accessible radio frequency tag or tags so that the identities of the radio frequency tags within the container may be acquired by the container-affixed radio frequency identification interrogator or interrogators, stored within the data storage means, transferred to the externally accessible read/write radio frequency tag or tags and then retrieved by an external radio frequency identification interrogator or interrogators.

In the same field of rfid system, Woolley teaches an externally accessible read/write radio frequency tag affixed to the container (16₁) (i.e. asset tag); an external radio frequency identification interrogator or interrogators (13-15) (i.e. operations enter, monitoring device and computer) compatible with the externally accessible read/write radio frequency tag or tags (16_{1-n}) (i.e. tags); and an interface (i.e. walls of the container) between the container-affixed radio frequency identification interrogator or interrogators, the data storage means, and the externally accessible radio frequency tag or tags so that the identities of the radio frequency tags within the container may be acquired by the container-affixed radio frequency identification interrogator or interrogators, stored within the data storage means, transferred to the externally accessible read/write radio frequency tag or tags and then retrieved by an external

Art Unit: 2612

radio frequency identification interrogator or interrogators (col. 16 line 26 to col. 22; see Figure 2).

One ordinary skill in the art understands that external rfid tag affixed to the container of Woolley is desirable in the rfid system of Murphy et al. because Murphy discloses the rfid tags are being read in a container 10 (col. 2 lines 1-67) and Woolley teaches the rfid tags located outside and inside the container are being read by the devices (13,14,15) in order to monitor the objects with the tags attached.

Referring to claim 2, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses the wherein the externally accessible RF tag or tags are active tags (col. 16 lines 32-39).

Referring to claim 4, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Murphy et al. disclose wherein the data storage means comprises long-term, low power non-volatile data memory (col. 2 lines 40-45).

Murphy et al. in view of Woolley disclose the apparatus of claim 1. Murphy et al. disclose wherein the closure of a door triggers the acquisition of the identities of the radio frequency tags within the container (col. 2 lines 25-30).

Referring to claim 5, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Murphy et al. disclose wherein the activation of a motion sensing means triggers the acquisition of the identities of the radio frequency tags within the container (col. 2 lines 25-30).

Referring to claim 7, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the externally accessible RF tag or tags beacon their information (col. 16 lines 32-39).

Referring to claims 8-10, Murphy et al. in view of Woolley disclose the apparatus of claim 1. It is obvious Murphy disclose the power storage means consists primarily of fuel cell, electronic storage battery or a capacitor.

Referring to claim 11, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the externally accessible RF tag or tags are polled for their information by an external interrogator or interrogators (col. 16 lines 32-39).

Referring to claim 12, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the internal RF tag or tags are active tags (col. 16 lines 32-39).

Referring to claim 13, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the internal RF tag or tags are passive tags (col. 34 lines 30-33).

Referring to claim 15, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the data storage means is an electronically erasable programmable read only memory (col. 2 lines 40-45).

Referring to claim 16, Murphy et al. in view of Woolley disclose the apparatus of claim 1. Woolley discloses wherein the data storage means is contained within the externally accessible RF tag (i.e. see Figure 1).

Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US# 6,803,856) in view of Woolley (US# 5,959,568) as applied to claim 1 above, and further in view of Carrender (US# 6,927,687).

Referring to claims 3 and 14, Murphy et al. in view of Woolley disclose the apparatus of claim 1. However, Murphy et al. in view of Woolley did not explicitly disclose wherein the externally and internal rf tags are semi-passive.

In the same field of endeavor of RFID system, Carrender discloses semi-passive tags that powered by a battery (col. 2 lines 21-33).

One ordinary skill in the art understands that semi-passive tags of Carrender is desirable in the RFID system of Murphy et al. in view of Woolley because Woolley teaches the tags can be passive or active (col. 16 lines 32-35 and col. 34 lines 25-34) and Carrender teaches the tags are semi-passive as an alternative of having active or passive tags.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US# 6,803,856) in view of Woolley (US# 5,959,568) as applied to claim 1 above, and further in view of Phelan (US# 6,894,600).

Referring to claim 6, Murphy et al. in view of Woolley disclose the apparatus of claim 1. However, Murphy et al. in view of Woolley did not explicitly wherein a timer triggers the acquisition of the identities of the radio frequency tags with the container.

In the same field of RFID system, Phelan discloses a timer triggers the acquisition of the identities of the radio frequency tags (col. 15 lines 44-57).

One ordinary skill in the art understands that triggering the interrogation by a timer of Phelan is desirable in the communication system of Murphy et al. in view of Woolley because Woolley teaches the tags can be passive or active (col. 16 lines 32-35 and col. 34 lines 25-34) and Phelan teaches the timer is used the interrogation of the tags in order to prevent the drain of the battery of the tags (col. 15 lines 44-57).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nicholson (US# 6,724,308) discloses the RFID tracking method and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Scott Au

SA
7/17/06


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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